

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: **09/911,692**

Confirmation No.: 8484

Filed: 25 July 2001

Applicant: Darrell R. ANDERSON et al.

For: Expression and Use of Anti-CD20 Antibodies

Group Art Unit: 1644

Examiner: R. Schwadron

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY AND AMENDMENT UNDER 37 C.F.R. § 1.116(b)

Sir:

This communication responds to the final Office action mailed 8 March 2007, setting a three-month period for response. As this reply is submitted within the stated period, it is timely.

Applicant thanks the examiner for speaking with applicant's representative, Jeffrey Kushan, on 5 June 2007. Pursuant to that discussion, applicant requests that this reply and the declaration evidence submitted with it be entered.

The present amendment, arguments, and declaration evidence address issues raised for the first time in the final Office action. The amendment presents new claims that respond to a specific basis for rejection that was newly stated in the final rejection. Thus, the amendment places the application in better form for consideration on appeal, and it raises no new issues. Applicant therefore requests that the examiner enter and consider the amendment.

An expert declaration under 37 C.F.R. § 1.132 is presented to address the examiner's concern that certain points in applicant's last response were supported only by attorney argument, rather than by evidence in the record. This criticism was stated for the first time in the final Office action. Thus, the declaration could not have been presented earlier to respond to this concern. The declaration advances prosecution by presenting fact evidence that is relevant to the

outstanding rejections under the description requirement of § 112, first paragraph and necessary to provide a complete factual record. Accordingly, applicant respectfully requests that the examiner exercise his discretion to enter the declaration under § 1.116(e).

Applicant believes that no fee is due in connection with this submission. However, should any fee in fact be required to render this paper timely or proper, the Director is requested to debit the same from our Deposit Account No. 18-1260.

Applicant is filing a notice of appeal concurrently with this paper.